

Message Text

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PAGE 01 DURBAN 00326 021045Z
ACTION AF-10

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CAPE TOWN ALSO FOR EMBASSY

E.O. 11652: N/A
TAGS: PINT, SF
SUBJECT: SAG LEGISLATION PROVIDES FOR ELECTED S.A. INDIAN
COUNCIL

REF: (A) DURBAN A-14; (B) DURBAN 304; (C) 77 CAPE TOWN A-149

1. SUMMARY: SAG HAS UNEXPECTEDLY PROPOSED LEGISLATION
PROVIDING FOR AN ELECTED SOUTH AFRICAN INDIAN COUNCIL (SAIC)
AS PART OF PROCESS LEADING TO IMPLEMENTATION OF NEW CONSTITUTIONAL
PROPOSALS. THE FIRST SAIC ELECTIONS ARE EXPECTED IN MID-TO-LATE
1979. END SUMMARY.

2. THE SAIC AMENDMENT BILL, UNEXPECTEDLY INTRODUCED IN
PARLIAMENT BY INDIAN AFFAIRS MINISTER MARAIS STEYN ON MAY 22,
PROVIDES FOR A 45-MEMBER SAIC, WITH 40 SEATS TO BE DIRECTLY
ELECTED AND 5 APPOINTED. ACCORDING TO LEGISLATION, THREE
OF THE FIVE WILL BE APPOINTED BY LEADER OF THE MAJORITY PARTY,
BUT ONLY IF HIS PARTY CONTROLS AT LEAST 34 SEATS. IF IT HOLD
FEWER, HE WILL APPOINT TWO MEMBERS, THE LEADER OF THE OPPOSITION
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PAGE 02 DURBAN 00326 021045Z

ONE. THE FINAL TWO APPOINTMENTS WILL BE MADE BY THE STATE
PRESIDENT "ON THE ADVICE OF THE LEADER OF THE MAJORITY". THE
ACT REDUCES THE EXECUTIVE COMMITTEE FROM THE PRESENT FIVE TO
FOUR MEMBERS AND PROVIDES THAT THE MAJORITY LEADER WILL CHAIR THE
EXECUTIVE, ALTHOUGH THE STATE PRESIDENT, ACTING ON THE FORMER'S
ADVICE, WILL APPOINT THE OTHER THREE MEMBERS. THE ACT ALSO
PROVIDES FOR A NON-VOTING SPEAKER WHO WILL BE ELECTED FROM

AMONG THE MEMBERSHIP.

3. ACCORDING TO STEYN, THE BILL WAS FORMULATED WITH THE IDEA IN MIND OF THE EVENTUAL CREATION OF AN INDIAN PARLIAMENT AS PART OF THE SAG'S NEW CONSTITUTIONAL PROPOSALS. (CURIOSLY THE ORIGINAL PROPOSALS CALLED FOR A 46-MEMBER INDIAN PARLIAMENT-- 41 ELECTED, 5 APPOINTED). HOWEVER THIS BILL IS CONCERNED SOLELY WITH THE MECHANICS OF CHOOSING AND RUNNING AN ELECTED SAIC AND DOES NOT ADDRESS WHAT POWERS, IF ANY, ARE TO BE TRANSFERRED TO THE NEW BODY. QUESTIONED ON THIS IN THE ASSEMBLY, STEYN STATED THIS WOULD BE DEALT WITH WHEN THE CONSTITUTIONAL PROPOSALS WERE EFFECTED. THE ACT DOES CONTAIN CERTAIN RESTRICTIONS ON THE NEW SAIC'S INDEPENDENCE WHICH ARE SIMILAR TO THOSE IN THE CONSTITUTIONAL PROPOSALS (REF C). FOR INSTANCE, EVEN THOUGH THE ACT PROVIDES FOR THE SAIC TO HAVE A FIVE YEAR TERM, THE STATE PRESIDENT CAN DISSOLVE IT AT ANY TIME. HE IS ALSO GIVEN THE RIGHT NOT ONLY TO APPOINT BUT ALSO TO REMOVE EXECUTIVE COMMITTEE MEMBERS AND THE TWO COUNCIL MEMBERS HE APPOINTS.

4. BOTH THE NEW REPUBLIC PARTY (NRP) AND SOUTH AFRICAN PARTY SUPPORTED THE BILL AND A NRP MP CALLED IT "THE DAWN OF THE ERA OF PLURALISM, THE ERA OF THE NUCLEAR STATE" AND SAID IT MEANT "WHITE DOMINATION IS ON THE WANE." PROGRESSIVE FEDERAL PARTY (PFP) INDIAN AFFAIRS SPOKESMAN RAY SWART CRITICIZED THE ACT AS "A FEW CRUMBS FROM THE WHITE MAN'S TABLE, TOO LITTLE LIMITED OFFICIAL USE

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PAGE 03 DURBAN 00326 021045Z

AND PROBABLY TOO LATE". HOWEVER, AFTER SUMMARIZING ITS SHORTCOMINGS, ESPECIALLY THE LACK OF DECISION-MAKING POWERS FOR THE SAIC, SWART SAID THE PFP WOULD SUPPORT IT IF ONLY BECAUSE IT CREATED A REPRESENTATIVE BODY WHICH COULD BE A BAROMETER OF INDIAN OPINION.

5. COMMENT: STEYN'S BILL CAME AS A SURPRISE TO INDIAN POLITICAL LEADERS. ALTHOUGH A MAY 30 SAIC EXECUTIVE COMMITTEE MEETING REPORTEDLY REGISTERED ITS APPROVAL, NONE OF THE MEMBERS HAD BEEN PREVIOUSLY CONSULTED. IN FACT, STEYN HAD STRONGLY IMPLIED LAST NOVEMBER THAT SINCE INDIAN PARLIAMENTARY ELECTIONS WERE PLANNED FOR 1979, THERE WOULD NEVER BE AN ELECTED SAIC (77 DURBAN A-96). THUS ONE INFERENCE THAT COULD BE DRAWN FROM THIS BILL, AS WELL AS FROM THE RECENT EXTENSION OF SENATORS' TERMS AND SIMILAR DEVELOPMENTS, IS THAT THE SAG MAY HAVE DECIDED TO DELAY FORMAL IMPLEMENTATION OF THE CONSTITUTIONAL PROPOSALS UNTIL 1980 OR BEYOND.

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